IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2685 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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FULSINGH JAMADARSINGH - Petitioner(s)

Versus

TUTON PHARMACEUTICALS LTD - Respondent(s)

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Appearance :

MRS SANGEETA N PAHWA for Petitioner No(s).: 1.

MR PARESH M DAVE for Respondent No(s).: 1.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 23/08/2005

ORAL JUDGMENT

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1. This petition is directed against the order dated 19th March, 1999 passed by the Labour Court, Ahmedabad in Reference [L.C.A.] No. 1489/84, whereby the

said Reference was rejected.

2. The short facts of the case are that the petitioner was working as a Turner on regular basis with the respondent. The respondent without following any procedure under the Industrial Disputes Act, 1947 terminated the services of the petitioner w.e.f. 23rd May, 1984. Feeling aggrieved by the said order, the petitioner raised an industrial dispute which was ultimately referred to the Labour Court for adjudication. The Labour Court after appreciating the materials produced before it, passed the impugned award. Hence, this petition.

3. I have heard the learned counsel for the parties. Having perused the materials produced on record, it transpires that the Labour Court has rejected the reference on the ground that as per Section 4 (v) of the Industrial Disputes Act, 1947, the statement of claim is required to be signed by the petitioner and in the present case the same was not signed by the petitioner but was signed by the Secretary of the Union. Thus, I am in complete agreement with the reasonings adopted and findings arrived at by the Labour Court in rejecting the

Reference and find no reason to interfere in this petition.

4. In the result, the petition is dismissed. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

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